

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

## REPORT OF INVESTIGATION

1. TITLE  Pioneer Construction Materials Co.	2. CONTROL NUMBER  86-X-4-4 #1 34W
3. PERIOD COVERED	4. REPORTING OFFICE  Seattle 8/28/86

## SYNOPSIS:

Case Opening Report/Investigative Plan

On May 19, 1986, Jane Hadley, Investigative Reporter, Seattle Post Intelligencer, advised S/A Gerd Hattwig telephonically that she had received a telephone call from an anonymous male. Hadley indicated that this individual called her in response to some of the stories she had written regarding recent environmental indictments. Hadley indicated that she tried to have the anonymous caller get in direct contact with the enforcement agencies but the caller advised that he did not want to get involved with the government. The anonymous source, according to Hadley, stated that everyday when he leaves work he sees large cement trucks from Pioneer Sand and Gravel, Pioneer Cement and Glacier Sand and Gravel being washed out into the Duwamish. Reportedly, this occurred at the north end of Slip #2 and barges were brought in to hide the activity.

Hadley inquired as to the legality of this type of activity and was told by S/A Hattwig that the legality of this activity could only be determined after a review of the company's NPDES permit and its limitations.

A review of a Seattle business directory disclosed a listing for Pioneer Construction Materials Company, a division of Riedel International Inc., at 5975 East Marginal Way S., Seattle, WA and a secondary listing for Glacier Sand & Gravel Co. also located at the same street address. Telephone numbers for these businesses were listed as 764-3030 and 764-3000.

In discussing the above information with Mr. Dan Cargill, Washington State Dept. of Ecology (WDOE) Inspector, it was learned that Jane Hadley had also complained to his office regarding the activities of the Pioneer Construction Materials Co. Cargill advised that the WDOE was investigating the complaint. Cargill further advised that one of the other WDOE inspectors, a Mr. Richard Koch, conducted an inspection of the Pioneer facility on May 1, 1986.

On May 23, 1986, Dan Cargill contacted S/A Gerd Hattwig and advised that his department had just received another complaint regarding the Pioneer Construction Materials Co. He indicated that an individual named Lee Moyer was teaching a kayak class on the Duwamish River on May 22, 1986, in the evening. At that time, Moyer observed and photographed the discharge of what appeared to be cement truck washing residue into the northern part of Slip #2 of the Duwamish River. Cargill further indicated that Lee Moyer was in the process of providing

USEPA SF



1316422

REPORT MADE BY  S/A Gerd Hattwig	DATE  10/7/86
REVIEWING OFFICIAL  SAIC Dixon McClary	DATE  10/7/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.

**CONTINUATION SHEET**

86-X-4-4 #1 34W

CONTINUED:

the WDOE with a report, a list of other witnesses, and the photographs. Cargill also stated that, according to the state records, the Pioneer Construction Materials Co. does not have an NPDES permit to discharge into the Duwamish River. He further indicated that on May 1, 1986, Mr. Richard Koch, the other WDOE employee, had discussed the possible need for an NPDES permit with the management of Pioneer Construction Materials Co. At that time he was advised that the plant did not discharge into the Duwamish River and would not be discharging into the Duwamish in the future and therefore no NPDES permit would be required. According to Cargill, a written report of Koch's inspection, dated May 2, 1986, was mailed to Ron Summers, Plant Manager, Pioneer Construction Materials Co. by Mr. Koch. In the report Koch again discussed the concerns of the WDOE over possible discharges into the Duwamish River and the need to obtain an NPDES permit. The report also contained, as attachments, an application for an NPDES permit and the instructions for completing it.

When contacted by S/A Hattwig, Lee Moyer advised that he had provided a written report of the incident to the WDOE and also furnished them with the list of witnesses as well as the negatives of the photographs that he took. Moyer indicated that he is the owner/operator of Pacific Water Sports, a firm engaged in the manufacture, sales and distribution of small recreational boats. He further indicated that he is a frequent recreational user of the Duwamish River and that he teaches kayaking to members of the general public on the Duwamish. Moyer agreed to cooperate in any continuing investigation by the EPA/OCI and the WDOE. He further volunteered to provide the boats necessary to conduct any further investigation. It was agreed that Moyer would meet with S/A Hattwig at a later time.

A review of EPA Region 10 records indicate that neither Pioneer Construction Materials Co. nor Riedel International Inc. have an NPDES permit or application pending. On 8/26/86, S/A Hattwig reviewed the WDOE file on Pioneer. That review, along with conversations with Richard Koch and Dan Cargill, indicate that Pioneer does not intend to apply for an NPDES permit. Koch stated that subsequent to his letter of May 2, 1986 to Ron Summers, he also had a telephone conversation on May 12, 1986 with Summers. During the call, Summers again assured that there would be no discharges from the Pioneer plant into the Duwamish and that temporary measures had been taken to avoid any discharge. Summers also assured Koch that the measures would be permanently incorporated in the future construction and upgrading of the plant. Cargill further furnished the photographs and correspondence that he had received from Lee Moyer.

Part of the WDOE file regarding Pioneer Construction Materials Co. was a report dated November 12, 1985, by Mr. Rene Fuentes, Hydrologist, U.S. EPA. The report stated that on 10/17/85 while on an inspection flight with Julie Sellick, WDOE, they witnessed what appeared to be a sediment discharge plume coming from a construction materials operation on the east side of the Duwamish Waterway near the north side of Boeing Field. Fuentes photographed the site and the discoloration in the water. Attached to the report was a photograph identified as having been taken on 10/17/85 by Rene Fuentes, as witnessed by Julie Sellick. The photograph was marked as: looking east at Slip #2, Glacier Sand & Gravel Co., 5975 E. Marginal Way S., note discoloration at water along north side of slip.

**CONTINUATION SHEET**

CONTINUED:

Mr. Fuentes was later contacted by S/A Hattwig regarding the above referenced report and photograph. Fuentes indicated that he had a vivid recollection of the incident. He indicated that this observation was made during an overflight by helicopter from another site which was under investigation by EPA at that time.

Additional Investigation and Technical Assistance Required

Additional investigation consists of surveillance, photographs, videotapes, and sampling of the discharges by Pioneer. Technical assistance will be provided by Region 10 ESD Division and the Region 10 Lab at Manchester, WA.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INTERVIEW

1. TITLE  Pioneer Construction Materials Company	2. CONTROL NUMBER  86-X-4-4 #2 34W
3. PERSON INTERVIEWED  Lee Moyer	4. REPORTING OFFICE  Seattle
5. LOCATION  Seattle, WA	6. DATE  6/13/86

On June 13, 1986 Lee Moyer, owner/operator of Pacific Water Sport located on South Pacific Highway, Seattle, WA was interviewed by S/A Gerd Hattwig regarding his (Moyer's) observations of discharges of wastewater by the Pioneer Construction Materials Co. At this time Moyer reviewed a letter which he had written to the Dept. of Ecology (DOE) on May 23, 1986. Mr. Moyer indicated that this letter was written only one day after the observations and is an accurate description of his observations. The letter reads as follows:

On May 22, 1986 I was teaching a kayak class on the Duwamish River in the evening. About 7:30 PM we paddled into the first slip on the east side of the Duwamish downstream of the First Ave. Bridge where we saw a very large milky area in the water and two outlets gushing what appeared to be wash water from the cement plant on the north shore of the inlet. I photographed the extent of the colored area in the Duwamish. There was a barge moored slightly inland of the outlets and the milky muddy water extended out from the bank almost to the outer edge of the barge. The current was along the north shore of the inlet away from the main Duwamish channel and the muddy area extended to the inward end of the barge. In other words, the muddy water covered an area larger than the barge and the area between it and the shore together.

The water was very turbid. I got out of my kayak and climbed up the bank. The area behind the bulkhead appeared to be a washing and settling area. The catchbasin trough along the inside of the bulkhead contained muddy flowing water that seemed to be draining under the bulkhead and into the river. Next to the trough to the east was a turning auger half covered with the muddy water, which was kept agitated by the auger. This muddy water also seemed to be draining into the Duwamish. I photographed as much as I could but I was using black and white film.

This was not an accidental leak. It appeared that machinery was pumping and agitating the water so it would carry the mud into the Duwamish.

An employee confronted me as I stood on the top of the bank. In our brief encounter I asked if this was a normal procedure and his reply was "of course, this is a cement plant, isn't it?" I returned to my kayak and he left.

As I paddled about two more men watched me photograph. I tried to document

REPORT MADE BY  S/A Gerd Hattwig	DATE  10-30-86
REVIEWING OFFICIAL  SAIC Dixon McClary	DATE  10/30/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.

**CONTINUATION SHEET**

CONTINUED:

the extent of the release. I also photographed the conveyor system which seemed to have dropped white powder where the high tide levels would wash it into the river. The system seemed to be in a poor state of repair.

Mr. Moyer was then shown the photographs which he identified as having been taken by him on 5/22/86. Moyer wrote a brief description of each photo taken and initialed the same.

Moyer also stated that on May 30, 1986 at approximately 9:20 PM he was paddling his kayak into Slip #2 of the Duwamish and saw a watery substance gushing out from behind a 12" x 12" (approximate) steel plate which was fastened to the bulkhead. He indicated that the watery discharge was milky and made a large milky cloud in the water. Moyer indicated that he observed this discharge from approximately 9:20 to 9:40 PM and that it seemed to be a steady flow.

Moyer stated he again observed a discharge from the Pioneer plant on June 4, 1986 at about 6:30 PM. At that time he was in a kayak and he videotaped this discharge which was occurring at the open drain below the auger.

Moyer indicated that he made additional observations on June 11, 1986, at approximately 9:40 PM. At that time he was paddling in his kayak on the Duwamish River and upon entering Slip #2 he noticed that Pioneer Construction Materials Co. was discharging a watery substance from two distinct drains. Both discharges were muddy and the most westerly of the discharges was a very dark color. The more easterly discharge point, behind the square metal plate, was milky in color. Moyer was able to hear the equipment of the facility which was operating at the time. Moyer also indicated that he videotaped the discharges at this time and he observed this activity for approximately 15 minutes starting at 9:40 PM. Moyer provided the original videotape to S/A Gerd Hattwig.

A complete debriefing of Moyer will occur at a later time.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 #12 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle

SYNOPSIS:

Discharge on 9/3/86

Reference is made to ROI 86-X-4-4 #13 by S/A Commodore Mann reporting the execution of a federal criminal search warrant on 9/3/86 at Pioneer Construction Materials Co., 5975 E. Marginal Way South, Seattle, WA.

On 9/3/86 at approximately 3:45 PM during the surveillance prior to the execution of the search warrant S/A Commodore Mann and Andrew Hess, EPA-ESD made an observation from a boat of a liquid discharge at Pioneer, East Marginal Way South, Seattle, WA. The discharge was observed flowing into the Duwamish River on the north side of Slip No. 2. The discharge appeared from the vicinity of the auger and the seawall at Pioneer. The liquid flowed from that area over a pile of rock and debris and into the Duwamish. The liquid was gray and cloudy in color. After approximately 5 minutes the flow of liquid slowly tapered off until there was no longer any discharge into the river.

REPORT MADE BY S/A Commodore Mann	DATE Nov 12, 1986
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 11/12/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE  Pioneer Construction Materials Company	2. CONTROL NUMBER  86-X-4-4 #13 34W
3. PERIOD COVERED	4. REPORTING OFFICE  Seattle 9/8/86

SYNOPSIS:

Search Warrant

On 9/3/86 U.S. Magistrate John L. Weinberg issued a criminal search warrant for Pioneer Construction Materials, 5975 E. Marginal Way South, Seattle, WA. (206-764-3000). The search warrant was based upon a written affidavit of S/A Gerd Hattwig. The search warrant was issued under Magistrate's Docket #86-231M-01. Copies of the search warrant and affidavit are attached.

On 9/3/86 at approximately 1:30 PM the following individuals met at the Seattle Area Office to discuss the search warrant and the property list of items to be seized pursuant to the warrant:

1. S/A Gerd Hattwig
2. S/A Dixon McClary
3. S/A Ken Purdy
4. S/A Commodore Mann
5. S/A Lorie Hanson
6. Paul Boys, EPA Region 10
7. Dan Bodien, EPA Region 10
8. Jim Hileman, EPA Region 10
9. Dan Tangerone, EPA Region 10
10. Andrew Hess, EPA Region 10
11. Dan Cargill, WA Dept. of Ecology (WDOE)
12. Richard Koch, WDOE
13. Mark Horton, WDOE

At the meeting, the above named individuals discussed the affidavit for the search warrant, the search warrant and the property list of items to be seized. All the above were given a copy of the search warrant and property list. All the above were part of the search team. (Note: Mark Horton, WDOE, entered the Pioneer complex at the beginning of the search then departed the area shortly thereafter.)

On 9/3/86 at approximately 4:45 PM S/A's Hattwig and McClary entered the Pioneer Construction Materials Corporate Headquarters building, 5975 E. Marginal Way S., Seattle, WA. At the corporate hqs. the agents met Ron Summers, Operations Manager of the Pioneer facility. The agents identified themselves to Summers. Summers was given a certified copy of the search warrant.

REPORT MADE BY  S/A Commodore Mann	DATE  Oct 30, 1986
REVIEWING OFFICIAL  SAIC Dixon McClary	DATE  10/30/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.

**CONTINUATION SHEET**

CONTINUED:

During the search Summers, Jim Repman, President of Pioneer, and Bob Tea were interviewed. Those interviews will be the topic of separate reports. During the search, Charles R. Blumenfeld and Linda Christopherson, Attorneys at Law, arrived at the Pioneer facility. The two attorneys stated they were there at the request of Jim Repman. At the conclusion of the search Repman reviewed the inventory of items seized in the presence of Blumenfeld and Christopherson. A copy of the inventory was left with Repman.

The agents departed the Pioneer facility at approximately 10:25 PM. A total of 54 items were seized. This total included soil and liquid samples taken on Pioneer property. The items seized were transported to the Seattle Area Office and secured. The samples were transported on 9/4/86 to the EPA Manchester Lab for analysis.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE  Pioneer	2. CONTROL NUMBER  86-X-4-4 #15 34W
3. PERIOD COVERED	4. REPORTING OFFICE  Seattle 9/3/86

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #13 by S/A Commodore Mann reporting the execution of a federal criminal search warrant at Pioneer Construction, 5975 E. Marginal Way South, Seattle, WA on 9/3/86. During the execution of that warrant, S/A Dixon McClary encountered Bob Tea in the "yard" near the truck wash area. S/A McClary identified himself to Tea and advised him that a search warrant, related to environmental violations, was in progress. Tea was also advised that neither he nor anyone else at the plant was in custody. Tea stated that he understood he was not in custody. Tea jokingly added that if anyone was going to jail it should be Ron (Summers, Operations Manager). Summers was present at the time. S/A McClary assured both Tea and Summers that no one at the plant was in custody. Both Tea and Summers acknowledged. Tea then agreed to answer questions.

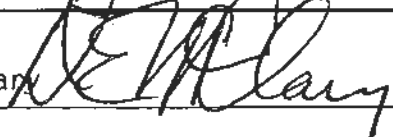
Tea stated that he had worked at that particular cement plant for approximately four years. Tea continued that he was in "operations" and worked for Ron Summers. Tea indicated that the "operations" staff consisted primarily of he and Summers and that they had operational responsibility for several Pioneer cement facilities. Tea indicated that he had just returned from the Portland facility and would shortly be enroute to their Tacoma facility.

S/A McClary asked Tea to accompany him out onto a "catwalk" which runs parallel to the truck wash/recycle facility. The "catwalk" is essentially a wire mesh walkway attached to the outboard (riverside) of the truck wash/recycle facility. Tea agreed.

S/A McClary pointed out a hole in the concrete wall, which was loosely covered by a metal plate. S/A McClary asked Tea to explain. Tea stated that the hole had been jackhammered in the concrete retaining wall by employees of the previous owner, Kaiser. Tea continued that truck washings would discharge through that hole and into the river if the liquid levels in the truck wash/recycle facility were too high. Tea stated that it was a common occurrence with the previous owner.

Tea acknowledged that the loose fitting metal plate would not stop or eliminate a discharge from that hole. Tea further acknowledged that the liquids beneath the hole on the river bank could only mean that a discharge had recently occurred through the hole.

Tea stated that approximately 3 months ago Ron Summers instructed him to plug the hole in the wall. Tea subsequently instructed other Pioneer employees to

REPORT MADE BY  SAIC Dixon McClary 	DATE  9/25/86
REVIEWING OFFICIAL	DATE

**CONTINUATION SHEET**

86-X-4-4 #15 34W

CONTINUED:

plug up the hole. Tea said that this was the first time he had looked at the hole since issuing those instructions.

Tea also stated that approximately 3 months ago Summers ordered him to stop the use of a bypass gate. S/A McClary and Tea then moved to a position where they could view the gate. The bypass gate was observed to be a hydraulically operated metal gate located on the outboard (riverside) of the truck wash/recycle facility. The gate divided an otherwise solid concrete wall and was located where washings would reach it just prior to the large separation auger. The gate was operated from the top by a hydraulic cylinder. The shaft of the hydraulic cylinder was very dirty with the exception of the top approximate 3 inches which was clean and shiny.

S/A McClary inquired about the purpose of the gate. Tea responded that the purpose was obvious and that it was designed to allow truck washings to bypass the recycling facility and flow directly down the bank and into the river. Tea continued that the gate had been used with some regularity by the prior owners. Tea explained that concrete and sediment would periodically build up along another gate which was perpendicular to the bypass gate. The bypass gate would then be opened to divert wash water during the removal of the concrete and sediment buildup. Reportedly, the bypass gate was also used when repair work was required on the auger; which was located just beyond the bypass gate. Tea acknowledged that the clean portion of the hydraulic cylinder shaft could only mean that the bypass gate had recently been opened.

Tea stated that approximately 1 or 2 weeks ago the auger had broken down. The repairs to the auger took approximately 1 week. Tea speculated that company employees opened the bypass gate to divert truck washings during the repairs. Diverting the truck washings would allow repairmen to work in a reduced quantity of liquids.

S/A McClary asked Tea if there were any other points of discharge at the facility. Tea responded that there was a sump into which Pioneer discharged mostly clean city tap water. Tea continued that he did not know for sure if the sump discharged into the river.

Tea said that Pioneer had been visited by a regulatory agency some months ago. Tea continued that discharges from the truck wash area and surface runoff had been areas of concern to that agency. Tea said that Pioneer was working to correct those areas of concern. Tea thought that a letter from that agency was in his office.

Parts of the above conversation were witnessed by Ron Summers. After approximately 15 to 20 minutes, Summers advised that Tea needed to leave for Pioneer's Tacoma facility. Tea subsequently departed.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE  Pioneer	2. CONTROL NUMBER  86-X-4-4 #16 34W
3. PERIOD COVERED	4. REPORTING OFFICE  Seattle 9/4/86

SYNOPSIS:

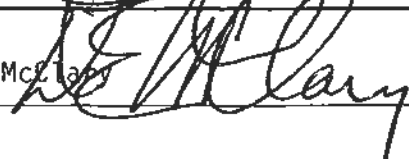
Reference is made to ROI 86-X-4-4 #13 by S/A Commodore L. Mann reporting the execution of a federal criminal search warrant at Pioneer Construction, 5975 E. Marginal Way S., Seattle, WA on 9/3/86. Reference is further made to ROI 86-X-4-4 #15 by S/A Dixon McClary reporting the interview of Bob Tea on that same date.

At approximately 4:45 PM on 9/3/86 S/A's Gerd Hattwig and Dixon McClary went to Pioneer Construction, address as above. There agents were directed by a receptionist, to the office of Ronald E. Summers, Operations Manager. Upon meeting Summers, S/A Hattwig identified the agents and presented Summers with a certified copy of the above referenced search warrant. S/A Hattwig proceeded to explain the search warrant and search warrant process to Summers. Summers then interrupted and summoned James A. Repman, President, from another part of Pioneer Construction offices.

When Summers and Repman returned, S/A Hattwig again explained the search warrant and search warrant process. At that time Repman was in possession of the certified copy of the search warrant previously presented to Summers. Shortly thereafter, Repman directed a secretary to transmit a copy of the search warrant to his corporate attorneys located in Portland, OR.

Both agents explained to Repman and Summers that the search warrant was directed at a premises and that no one at Pioneer Construction was under arrest or in custody. All Pioneer employees were free to go about their duties and leave at will. Both Repman and Summers acknowledged and stated that they would cooperate in any way possible.

Agents explained, in essence, that they were investigating alleged water pollution from the Pioneer facility at the truck wash area. S/A McClary asked if Pioneer had an NPDES permit. Summers replied in the negative. S/A McClary asked if Pioneer had applied for an NPDES permit. Summers replied in the negative. S/A McClary asked if Pioneer intended to apply for an NPDES permit. Summers again replied in the negative. Summers then responded that he had considerable experience in obtaining and complying with an NPDES discharge permit at Pioneer's Portland facility and that "quite frankly it's a real pain in the ass." Summers continued that Pioneer recycled its wash water at the E. Marginal Way facility and that they didn't have any intentional discharges. Summers added that they had had a problem with surface runoff but that problem was being fixed. Summers commented that it was very difficult not to have an occasional discharge when the facility was located directly on the water.

REPORT MADE BY  SAIC Dixon McClary 	DATE  9/28/86
REVIEWING OFFICIAL	DATE

**CONTINUATION SHEET**

86-X-4-4 #16 34W

**CONTINUED:**

At that time Repman departed Summers' office with the stated intention of telephoning his corporate counsel. Summers then agreed to accompany S/A McClary to the truck wash/recycle area. As the two left the office building, Summers asked S/A McClary if the agents had "brought the divers this time" (an obvious reference to a search warrant executed at Marine Power & Equipment in 2/85).

Summers led S/A McClary to an area east of the truck wash/recycle facility. There Summers pointed out approximately 15-20 concrete forms. Summers explained that the forms were used to contain leftover concrete remaining in the returning trucks at the end of the day. The concrete would harden into "ecology blocks" which were sold by Pioneer for use as dividers and retaining walls. When all the forms were in use, Summers stated that concrete remaining in returning trucks was deposited into the truck wash/recycle facility.

Summers continued that Pioneer had been visited by an inspector from a regulatory agency. That inspector reportedly identified a surface runoff problem in the area of the "ecology blocks." Summers stated that Pioneer was fixing the problem by completing a small concrete curb between the "ecology block" area and the river. The curbing was intended to channelize the runoff to a holding basin. Liquids in the basin would then be transferred to the truck wash/recycle area by means of a sump pump. Summers pointed out the holding basin. The basin was observed to be a corrugated aluminum pipe, approximately 5 ft. in diameter and approximately 5 ft. tall, with a concrete base. Summers stated that the basin had been installed approximately one month ago and was not completed at this time. The aforementioned curbing directed runoff to the unfinished basin. Considerable erosion was evident from the end of the curbing around the basin and into the river. Summers acknowledged that the erosion indicated discharges were occurring to the river.

S/A McClary asked Summers if the regulatory agency had advised that discharges of a pollutant were prohibited without a permit. Summers said that he knew a permit was required to discharge. Summers continued that the regulatory agency had sent him a letter with an NPDES permit application attached. Summers added, however, that he had not applied for the permit or answered the letter because he had lost it. Summers stated that he had looked everywhere without success. Summers mused that the search warrant could result in him finding the letter and the application.

Summers then led S/A McClary to the truck wash/recycle area. On the west side was a concrete pad sloped toward a concrete retaining wall which would channelize water in the direction of the aforementioned recycle area. Returning concrete trucks were washed out using recycled wash water and/or fresh water. Residual concrete was obviously washed out of the trucks. Larger amounts of concrete were also discharged into this area when the "ecology blocks" were in use. Recycled wash water was available to the trucks by means of overhead pipes which were fed by a tall reservoir over the recycle area. Truck washings, including concrete, sand and gravel, would flow in an easterly direction along the concrete wall into a pit containing a large auger. The turning auger separated the solids (sand, gravel and rock) to a great degree from the liquids. Solids, with some liquids, moved through the auger into a pit where a frontloader would periodically scoop them up and stockpile them nearby. Liquids, with

## CONTINUATION SHEET

86-X-4-4 #16 34W

## CONTINUED:

some solids, moved through the auger and into a channel which led to a settling pond. If the system was working properly, a float valve in the settling pond would automatically turn on a sump pump when the liquids rose to a predetermined level. The sump pump would move liquids from the settling pond into the tall reservoir over the recycle area. Recycled wash water in the reservoir could then be reused to wash trucks or reportedly be pumped into the concrete production facility. The entire truck wash/recycling area was divided from the riverbank and river by the above referenced concrete wall.

S/A McClary asked Summers to accompany him out on a wire mesh catwalk (previously described in ROI 86-X-4-4 #15. On the catwalk S/A McClary pointed out a hole in the concrete wall. The hole was loosely covered with a metal plate. There was an approximate 1" to 1 1/2" gap between the metal plate and the concrete wall. S/A McClary asked Summers for an explanation. Summers stated that the hole was obviously manmade and would allow a discharge from the truck wash/recycle area when the liquids rose to that level. Summers acknowledged that there were marked stains on the concrete around the hole indicating discharges had been occurring. Summers threw an object into a puddle of liquids beneath the hole. Summers noted that there had been an absence of rain for a considerable period of time and the liquids beneath the hole clearly indicated a recent discharge. Summers concluded by stating that he had never been out on the catwalk before and therefore had never closely viewed the hole.

Leaving the catwalk, Summers stated that approximately two to three months ago he was at the new Pioneer Construction warehouse across Slip 2. At that time Summers reportedly looked over at the concrete production facility and noted a discharge occurring from the truck wash/recycle area. The discharge was coming from the area of the catwalk and was running down the riverbank and into the river. Summers stated that he returned to the concrete production facility and immediately told Bob Tea to stop the discharge and plug the hole. Summers stated that he did not check with Tea thereafter to determine if the work was done.

The interview was temporarily interrupted by the arrival of Bob Tea. The interview of Bob Tea is reported in 86-X-4-4 #15. Summers, however, accompanied S/A McClary and Bob Tea to the vicinity of a bypass gate located in the truck wash/recycle area. Tea's observations and statements about the bypass gate are reported in the above referenced ROI in paragraph 7 and 8. Summers made the same observations relative to the operation of the gate. Summers noted that the gate was operated from the top by a hydraulic cylinder. The shaft of the hydraulic cylinder was very dirty with the exception of the top approximate 3 inches which was clean and shiny. Summers stated that the clean portion of the hydraulic cylinder shaft could only mean that the gate had recently been used. Following the interview of Bob Tea, S/A McClary returned to his discussions with Ron Summers. S/A McClary asked if Summers had indeed instructed Tea to plug the hole in the concrete wall and stop the use of the bypass gate. S/A McClary also reminded Summers that such instructions would mean Summers had seen two discharges instead of one. Summers responded that he did not specifically recall how many discharges he had seen. Summers said that he had definitely seen one but perhaps two. Summers stated that he did not specifically recall issuing instructions to Tea relative to the hole and bypass gate but could have. Summers stated that he recalled returning to the cement production facility and telling Tea to stop discharging.

**CONTINUATION SHEET**

86-X-4-4 #16 34W

CONTINUED:

Summers stated that it was practically impossible to have no discharges to the river when the plant was located directly on the water. Summers added that none of the discharges were intentional. Summers jokingly added that if anyone were going to jail for the discharges it should be Jim (Repman).

Summers stated that Pioneer operated facilities at E. Marginal Way, Harbor Island, Fairview, Maury Island, Tacoma, and Portland. Summers stated that he and Tea had operational responsibilities at each facility. Summers continued that Pioneer intended to consolidate some of those cement operations into an expanded E. Marginal Way facility. To that end, Summers stated that he had been working on obtaining a shoreline permit. Summers continued that getting an NPDES discharge permit for the facility would be unacceptable because of the high pH of the truck washings. Summers stated that it would be Pioneer's intention to recycle all their truck washings and have no waste discharges.

Summers and S/A McClary returned to the Pioneer Construction offices. Upon returning to the offices, S/A McClary learned that two attorneys, representing Pioneer Construction, from Bogle and Gates were present. The attorneys were Charles R. Blumenfeld and Linda Christopherson.

At approximately 9:30 PM S/A McClary asked Summers to again accompany him into the "yard." Summers, along with Linda Christopherson, agreed. The three then walked to the vicinity of the truck wash/recycle area. Near that area was a ground level concrete doorway. Through the doorway was a ramp leading down at an approximate 40° angle. At the end of the ramp was a concrete sump. There was a hose in the sump which was connected to some pipes and related valves. The hose was running.

An underground concrete hallway led away from the sump. In the hallway was a conveyor belt with sand and gravel debris. Over the conveyor belt were several chutes. Summers explained that above each chute was a pile of sand or gravel. A chute was manually opened to allow that material, when needed, to fall on the conveyor belt. The conveyor belt, when running, would then transport the raw materials down the hallway and then up into the concrete production facility.

Summers was asked to explain the sump and where the liquid was flowing. Summers stated that he did not know where the liquid was going and that it could have been going to the sewer or it could have been going "straight out" (to the waterway). Summers continued that he had only been at that location (E. Marginal Way facility) for approximately 6 months and he was finding out things about the facility everyday.

Summers, Christopherson, and S/A McClary then examined the concrete hallway with the conveyor belt. All three agreed that the hallway was essentially sloped toward the aforementioned sump and that any wash down water or storm water would flow to the sump.

S/A McClary subsequently pointed out to Summers and Christopherson that a dye test of the sump indicated that it discharged to Slip 2 just below the area

**CONTINUATION SHEET**

86-X-4-4 #16 34W

CONTINUED:

where the ecology blocks were located. Summers, Christopherson and S/A McClary observed the discharge and then returned to the office spaces.

Agents departed Pioneer Construction at approximately 10:25 PM.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

**REPORT OF INVESTIGATION**

1. TITLE  Pioneer	2. CONTROL NUMBER  86-X-4-4 #17 34W
3. PERIOD COVERED	4. REPORTING OFFICE Seattle 9/8/86

**SYNOPSIS:**

Reference is made to ROI 86-X-4-4 #13 by Commodore Mann reporting the execution of a federal criminal search warrant at Pioneer Construction Materials Co., 5975 E. Marginal Way South, Seattle, WA on 9/3/86. Reference is further made to ROI 86-X-4-4 #16 by S/A Dixon McClary reporting the interview of Ronald E. Summers.

ROI 86-X-4-4 #16 by S/A McClary also covers the initial contact with James A. Repman, President of Pioneer Construction Materials Company. After being summoned to Ron Summers' office Mr. Repman proceeded to read the certified copy of the search warrant and listened to the explanations by the special agents. He did acknowledge that he was aware of the laws requiring NPDES permits for discharges of wastewaters from cement plants into rivers. He stated he knows about NPDES permits because of his supervisory responsibility over a plant, similar to this one, in the Portland, OR area. Repman said he knows that this plant has no NPDES permit and does not need one because this plant is designed to recycle all wastewater.

Repman left Summers' office stating his intent to telephone his corporate counsel. Approximately 20 minutes later a female employee of Pioneer knocked on the closed office door of Repman's office. Apparently the door was locked from the inside because Repman had to open the door from the inside to communicate with the employee. At that time, Repman also noticed that the search of the offices was in progress and in a loud voice objected to the search prior to the approval from his attorney. Repman accused EPA of illegally invading his rights to privacy and demanded again that the search be stopped immediately. S/A Hattwig responded to Repman that the search by EPA agents and employees was authorized by a federal search warrant and that the search would continue without any delays. Repman then slammed his door to continue his telephone conversation.

A short time later Repman opened his office, invited S/A Hattwig in and apologized for his earlier conduct. Repman stated he was concerned about losing the use of his records and was advised by S/A Hattwig that he would be permitted to obtain copies of any document seized during this search warrant at a later date.

Repman further expressed his concern over maintaining the confidentiality of the seized files and was apprised by S/A Hattwig that the files would be maintained in accordance with evidence procedures.

REPORT MADE BY  S/A Gerd Hattwig	DATE  11-10-86
REVIEWING OFFICIAL  SAIC Dixon McClary	DATE  11/10/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.



**CONTINUATION SHEET**

86-X-4-4 #17 34W

CONTINUED:

While in his office Repman further stated that another company of Riedel International Inc., Riedel Environmental Services and Riedel Emergency Services, are the Superfund contractor for the EPA and hold this contract for all 23 states west of the Mississippi. Repman also pointed out some of the literature he maintained in his office regarding Riedel Environmental Services and Riedel Emergency Services.

During this conversation in Repman's office, attorneys Charles R. Blumenfeld and Linda Christophersen from the law firm of Bogle and Gates entered and were accorded privacy with Repman in his office prior to the search of the office.

During the execution of the search warrant Repman ordered deli sandwiches for his staff, attorneys, and the EPA personnel. EPA personnel declined the dinner invitation stating they would work through dinner to expedite the conclusion of the search. During the dinner, Repman, his staff, and the Bogle and Gates attorneys were also consuming beer and wine.

Toward the end of their dinner break, in the presence of his attorneys, Repman was asked by S/A Hattwig to explain the concrete mixer truck clean-up and maintenance procedures.

Repman stated that every mixer truck has to be washed out at least once at the end of each day. This prevents the concrete from settling and hardening in the drum. Repman said recently a driver at their Portland concrete plant did not wash out the drum of his truck and was fired after spending a day inside the drum with a jackhammer, chipping loose the hardened concrete. Repman added, therefore, he is sure that each mixer truck is washed out at least once a day if it was used at all. Additionally, Repman said that as a matter of policy each truck returns at the end of each day to the plant.

Repman stated there is no accurate record of how many concrete mixer trucks wash out on any given day at the Duwamish plant because these trucks are dispatched between all three plants in the Seattle area and sometimes even the Tacoma plant. Repman estimated that between 25 to 45 mixer trucks on the average might wash out at the Duwamish plant daily.

Subsequent to the dinner break Repman helped the searching agents in locating specific records and at the conclusion of the search he and his attorneys reviewed the inventory of items seized during the execution of the warrant.

Agents departed the Pioneer facility at about 10:25 PM.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE  Pioneer	2. CONTROL NUMBER  86-X-4-4 #22 34W
3. PERIOD COVERED	4. REPORTING OFFICE  Seattle

SYNOPSIS:

Search Warrant - Lake Union

On 10/9/86 U.S. Magistrate Philip K. Sweigert issued a criminal search warrant for Pioneer Construction Materials (Lake Union), 901 Fairview Ave. North, Seattle, WA. The search warrant was based upon the written affidavit of S/A Gerd Hattwig. The search warrant was issued under Magistrate's Docket Number 86-274M-01. Copies of the search warrant and affidavit are attached.

On 10/9/86, at approximately 1:00 PM the following individuals met to discuss the search warrant and property list of items to be seized pursuant to the warrant.

1. S/A Gerd Hattwig
2. S/A Dixon McClary
3. S/A Ken Purdy
4. S/A Commodore Mann
5. Dan Bodien
6. Jim Hileman
7. Dave Robocken
8. Dan Tangerone
9. Robert Athman
10. Kevin Fitzpatrick, Washington Dept. of Ecology

During the meeting the above named individuals read the affidavit for the search warrant. The search warrant and property list of items to be seized were discussed. All the above named individuals were members of the search team.

On 10/9/86 at approximately 2:15 PM S/A's Hattwig and McClary contacted Dick Glynn, Pioneer employee, who took them to Dan Carchano, Batchman of the number 3 mixer at the Lake Union facility of Pioneer. Carchano stated he is in charge of this operation and would accept service of the federal search warrant. S/A's Hattwig and McClary identified themselves and gave a certified copy of the warrant to Carchano. Carchano was located in the control room of the concrete mixing building at Pioneer (the batch room).

At approximately 2:25 PM the rest of the search team entered the Pioneer facility to begin the search. After determining that there were only a limited number of records at this plant, Dan Bodien, Dan Tangerone and Robert Athman left.

REPORT MADE BY  S/A Commodore Mann	DATE  Nov 12, 1986
REVIEWING OFFICIAL  SAIC Dixon McClary	DATE  11/12/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.

**CONTINUATION SHEET**

CONTINUED:

At approximately 2:45 PM Linda Christophersen, Attorney at Law, arrived at the batch office of Pioneer. There, Christophersen met with S/A Mann. Christophersen stated she was there at the request of Pioneer. Christophersen was given a copy of the search warrant. Christophersen left the batch office to observe the search of the premises.

At approximately 2:55 PM Ron Droz, vacuum tank truck driver for Crosby & Overton (C&O), entered the batch office. Droz gave Carchano a sample bottle of waste water and a receipt for 5000 gallons of waste water that he had just vacuumed from the Lake Union facility. Droz said he was going to deliver the waste water to C&O. Droz told S/A Mann that the sample container of wastewater he gave Carchano came from the load he had picked up from the Lake Union facility at approximately 1:00 PM. S/A Mann seized the sample container and C&O receipt. The sample container was marked item #5 on the property list. The C&O receipt was marked item #6 on the property list.

Prior to the sample being secured by S/A Mann, Carchano tested the wastewater in the container. The sample registered a pH of 12.24 on Carchano's meter. Carchano said that the main Pioneer office on the Duwamish had recently sent him the pH meter. Carchano said that he had received the pH meter near the first of Oct. 1986. Carchano said that he was instructed by Summers and Tea to measure the pH on every load of wastewater that left the cement plant. Carchano said that all wastewater loads that were tested and had a pH of 12.25 and over were to be delivered to C&O. Those loads under a pH of 12.25 were to be dumped in the gravel pit.

Pursuant to the search warrant a total of 7 items were seized. A copy of the inventory is attached. This total included samples that were taken from the Pioneer property and transported to the EPA Region 10 Lab for analysis.

Ron Summers was given a copy of the property list of items seized. Christophersen was present when Summers reviewed and was given a copy of the property list of items seized. Agents left this Pioneer facility at approximately 6:45 PM.

On 10/10/86 S/A Hattwig made a return of search warrant to U.S. Magistrate Sweigert.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE  Pioneer	2. CONTROL NUMBER  86-X-4-4 #23 34W
3. PERIOD COVERED	4. REPORTING OFFICE  Seattle

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #22 by Commodore Mann reporting the execution of a federal criminal search warrant on 10/9/86 at Pioneer Construction Materials Co. located at 901 Fairview Ave. North, Seattle, WA.

At approximately 2:15 PM on 10/9/86 S/A's Gerd Hattwig and Dixon McClary went to the Pioneer Construction Materials Company located on Lake Union, address as above. These agents were directed by Dick Glynn, laborer, to the office of Danny Carchano, batchman left in charge of this plant. Carchano stated that he did not really hold any supervisory position but was simply operating the number 3 mixer. Carchano accepted service of the search warrant and S/A Hattwig proceeded to explain the search warrant process to Carchano. Carchano said that he understood and stated "help yourself."

S/A Hattwig also explained to Dick Glynn who had inquired "do we have a problem here", the purpose of the EPA presence and the search warrant process. Glynn agreed to take the agents on a tour of the facility.

During the tour Glynn stated that returning mixer trucks take on recycled water to wash out their drums. The drums are then emptied into a recovery device which by means of a large screw-like device separates the sand and gravel from the liquid. The sand and gravel is then recovered from a pit by means of a front loader. The liquid drains into a settling basin built into the ground. This basin is rectangular and reportedly of concrete wall construction. The basin is divided into three sections. According to Glynn the most northern section of the settling basin was used to pump the clarified liquid into after the solids had settled out. Glynn stated that up until about three weeks ago this was how the excess liquid was disposed of. Starting about three weeks ago, after a complaint, (Glynn would not elaborate), the clarified liquid was no longer pumped into the most northern holding tank. All the liquid now runs into the yard from the first settling tank. Glynn said ever since they stopped using the most northern settling basin the yard has been flooded by a foot of cement waste liquid. Tanker trucks from Crosby and Overton have been hauling this liquid away daily.

Glynn stated he has never seen any flow or spillage from any of the settling basins into Lake Union. When Glynn was specifically asked by S/A Hattwig what happened to all the liquid that was previously pumped into the most northern settling basin and is now flooding the yard, he stated "it evaporated." Glynn said he has not seen any overflow of liquid from the most northern holding tank at the northeastern corner now blocked by a clean metal plate.

REPORT MADE BY S/A Gerd Hattwig	DATE 12-16-86
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 12/22/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.

## CONTINUATION SHEET

## CONTINUED:

Glynn explained that a couple of times a week the settling basins are cleaned out by means of a clamshell and crane. The mud and liquid are deposited in a pond cut out of the cement waste and located to the northwest of the settling basins. Glynn said that the crane operator will drop the clamshell into the settling basins and clamshell out as much of the solids as possible and then swing the crane north and west. Glynn pointed to an area west of the settling basins and stated that the mound, about 25 ft. high, was made from cement waste. Glynn again stated that all the liquid waste in this pond, described above, would evaporate and that he has never seen it enter or overflow into Lake Union.

Glynn was asked specifically by S/A Hattwig what, if any, measures are taken to prevent the cement waste and debris from entering Lake Union--which surrounds the cement waste pile on three sides. Glynn said he remembered there are retaining walls made from ecology blocks that contain the cement waste. Glynn said he has not seen any cement waste enter Lake Union. Glynn added that the old barge which is no longer usable and a smaller barge which is overturned just happen to be moored at the north end of the property and were not intended to hide anything.

Inspection of the area between the barge and the pier disclosed that cement waste has entered the waters of Lake Union along the entire north side of the pier and the east side of that pier, north of the settling basin. It was also noticed when approaching the pier by boat that the barge blocks the direct view of the cement debris in the water. Furthermore, the point of the discharge from the north wall of the settling tank, previously observed by S/A Hattwig on 9/15/86, is also hidden from direct view by this large barge.

During the tour of the plant Glynn also introduced S/A Hattwig to Mr. Gene Belonga, another individual who works in the yard at the Lake Union Pioneer facility. According to Glynn, Belonga operates most of the heavy equipment.

Glynn and Belonga were questioned by S/A Hattwig regarding the liquid dripping from the tower like structure on the wooden pier used to unload sand and gravel. Glynn had previously explained that the tower was part of a system allowing sand and gravel to travel on conveyor belts from the barges to the concrete mixing area. Glynn claimed to be unaware of any liquid or solids discharging from the tower despite the obvious wetness and sand-like material accumulated under the tower. From the flow pattern of this material it was obvious that some of this material had entered Lake Union through a hole in the pier and also by flowing over the east side edge of the pier.

Belonga stated that the liquid is clean water, not recycled water, used to keep the underside of the conveyor belts clean. Belonga added that the water was turned off about three weeks ago in an attempt to keep materials from flowing into Lake Union. Belonga said that any material entering Lake Union from this location can only be "clean" (not recycled) water and clean sand used in the mixing of concrete. (Reference is further made to ROI 86-X-4-4 #25 by S/A Hattwig reporting the interview of Belonga.) Both Glynn and Belonga seemed evasive about who told them and how they were told, about three weeks ago, to make an effort to eliminate any discharges into Lake Union. But both Glynn and Belonga stated that Ron Summers,

**CONTINUATION SHEET**

CONTINUED:

the Operations Manager, and James A. Repman, President of Pioneer Construction Materials Co., are running this facility and are at this plant frequently.

At approximately 2:48 PM S/A Hattwig noticed Linda Christophersen, Attorney, Ron Summers, and Leonard Compher, Environmental Coordinator for Pioneer, enter the yard of the Lake Union facility. S/A Hattwig offered to provide Linda Christophersen with a copy of the search warrant but she stated that she had met S/A Commodore Mann who had already provided her with a copy of the warrant. Thereafter, S/A Hattwig had a short conversation with Ron Summers which is reported in ROI 86-X-4-4 #24. Ron Summers, Linda Christophersen and Leonard Compher were present in the yard at the Fairview plant until about 6:45 PM when the agents left the plant.

During the execution of the search warrant, 13 samples were taken under the direction of James R. Hileman on the property occupied by Pioneer. Additionally, numerous samples were taken from Lake Union. The sampling and the analysis of these samples will be reported in a separate report.

While inspecting the Lake Union facility, samples, photographs and videotape footage were also taken from a boat. Personnel specifically taking part in this part of the operation were Dave Robocken and Jim Hileman of EPA-ESD, Kevin Fitzpatrick, WDOE, and S/A's Purdy and Hattwig. The above named individuals all witnessed the discharge of a liquid from a square pipe terminating in the bulkhead on the west side of the facility about 2 ft. above the surface of Lake Union. The side of the bulkhead below the pipe was discolored, gray-white in color, with calcium like deposits along the stain. The same above listed individuals further traveled by boat around the northern part of the facility. To the north, in the area between a large barge and the facility, solid cement waste was observed in the water all along the north and part of the northeast shoreline. In some areas the lake water had under-cut the cement waste and created caves. In other areas, it was evident from the flow pattern that cement waste had recently been dumped along the slope of the cement waste pile and run off into Lake Union. Also the cement waste was yellow in color where it was coming in contact with the lake water.

An inspection of the outside walls of the settling basin disclosed that part of the cement wall at the northeast corner was missing. At this location there appeared an irregular hole, as if cut with a jackhammer about 2 ft. in diameter. The settling basin with the hole in the wall was used until about three weeks ago according to Pioneer employee, Dick Glynn. Prior to three weeks ago, the excess cement wastewater was pumped into this basin. (The break in the wall of this settling basin is where S/A Hattwig and two Seattle Police Harbor Patrol Officers witnessed a stream of liquid discharging into Lake Union on 9/15/86.) The break was partially blocked by a steel plate. It appeared that if the level of liquid in this settling basin rose another discharge to Lake Union was probable. The steel plate was devoid of any cement stains or deposits. This was in sharp contrast to the area immediately next to it. That area had cement stains and deposits several inches high.

Whenever possible the above observations were documented by photographs and/or videotape recordings. At approximately 6:45 PM agents left the Fairview facility of Pioneer Construction Materials Co.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INTERVIEW

1. TITLE Pioneer	2. CONTROL NUMBER 86-X-4-4 # 24 34W
3. PERSON INTERVIEWED Ronald E. Summers	4. REPORTING OFFICE Seattle
5. LOCATION Seattle, WA	6. DATE 10/9/86

Reference is made to ROI 86-X-4-4 #22 by S/A Commodore Mann reporting the execution of a federal criminal search warrant at Pioneer Construction Materials Co. located at 901 Fairview Ave. North, Seattle, WA on 10/9/86.

At about 3:00 PM on 10/9/86 Ronald E. Summers was interviewed in the yard of the facility identified above. Also present during this interview were Leonard Compher, Environmental Coordinator for Pioneer, and Linda Christophersen, Attorney, Bogle and Gates law firm. Summers stated he is in charge of this plant and responsible for its day to day operation. Summers added that there is no other foreman or supervisor in charge of running this concrete plant.

Summers acknowledged that there had been no discharge to the Metro Sewer System from this plant for some time because the plant's system was inoperative. Beginning about three weeks ago, all waste cement wash water was hauled out by tanker truck by Crosby and Overton (C&O) and then treated at the C&O facility for high pH. During this conversation, a tank truck from C&O pumped 5000 gallons of wastewater out of the yard. Summers stated that if the pH of the wastewater is less than 12.25 the C&O tank trucks had been hauling the wastewater to the gravel pit at Steilacoom. The wastewater was then dumped into settling ponds. Summers added that there was no other treatment of the wastewater at Steilacoom. He said that the Steilacoom gravel pit is operated under the name of Northwest Aggregate, a joint venture with Pioneer.

Ron Summers stayed on the premises until about 6:45 PM. At that time, Summers and Christophersen were provided with a copy of items seized.

REPORT MADE BY S/A Gerd Hattwig	DATE 11-10-86
REVIEWING OFFICIAL SAIC Dixon McClary	DATE 11/10/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE  Pioneer	2. CONTROL NUMBER  86-X-4-4 #25 34W
3. PERIOD COVERED	4. REPORTING OFFICE  Seattle

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #22 and #23 reporting the execution of a federal criminal search warrant on 10/9/86 at Pioneer Construction Materials Co. located at 901 Fairview Ave. North, Seattle, WA. During the execution of the warrant S/A Hattwig had a brief conversation with Gene Belonga. Belonga stated that he is employed as an equipment operator at the Lake Union facility operated by Pioneer Construction Materials. Pioneer has been operating this plant for about 2 years.

Belonga said he operates the yellow crane with a clamshell bucket which is located to the northwest of the cement waste water settling tanks. A couple of times a week he will clean out the settling tanks using the crane and clamshell. The cleaning out operation consists of dropping the clamshell bucket into the settling tank and taking out the cement waste sludge and depositing the sludge on the cement waste pile to the west and northwest of the settling tanks.

Belonga stated he also operates the front loader which he uses to scoop up the reclaimed sand and gravel out of the pit from the north end of the large screw-like device. This device is used to reclaim sand and gravel brought back by returning concrete mixer trucks which empty their wash water and leftover concrete into the screw-like device.

The reclaimed sand and gravel is also taken and deposited on the waste cement pile by means of the front loader. According to Belonga some of this material from the waste pile is used as fill by others and he will also use the front loader to fill the trucks hauling away the fill material.

Belonga added he was aware of a leak from the first cement wastewater settling tank. Belonga stated about three weeks ago he noticed the leak of wastewater from behind the metal plate on the east side of this tank. Belonga stated that he took some rags and cement to plug the leak.

Belonga terminated this conversation by climbing onto the front loader and moving away.

REPORT MADE BY  S/A Gerd Hattwig	DATE  12-16-86
REVIEWING OFFICIAL  SAIC Dixon McClary	DATE  12/22/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INVESTIGATION

1. TITLE  Pioneer	2. CONTROL NUMBER  86-X-4-4 #26 34W
3. PERIOD COVERED	4. REPORTING OFFICE  Seattle

SYNOPSIS:

Reference is made to ROI 86-X-4-4 #22 by S/A Commodore Mann reporting the execution of a federal criminal search warrant on 10/9/86 at Pioneer Construction Materials Co. located at 901 Fairview Ave. North, Seattle, WA.

During the execution of the search warrant, S/A Hattwig was approached by Mr. Peter Barnes, a concrete mixer truck driver. Barnes had been driving a concrete truck bearing the number 73-305. Barnes asked what the agents were doing at this facility. S/A Hattwig advised Barnes that EPA agents were taking samples pursuant to a federal search warrant. Barnes then asked if the EPA agents were here in response to a request from Pioneer Construction.

Barnes went on to explain that he reported to work at the Lake Union facility on 10/9 at approximately 7:30 AM. Barnes said he noticed that the water in Lake Union, surrounding the Pioneer plant, looked gray just like the liquid in the yard. Barnes assumed there must have been a large spill of cement wastewater into Lake Union.

Barnes stated he immediately telephoned the dispatcher on duty at the Pioneer Duwamish facility and told him that there might have been a spill of cement wastewater into Lake Union. Barnes did not get the name of the dispatcher and does not know his identity, but he recalls asking the dispatcher to take care of the situation.

Barnes concluded by saying that he thought the EPA agents had been called by Pioneer and were there at Pioneer's request.

Barnes furnished his home telephone number [REDACTED] on request.

REPORT MADE BY  S/A Gerd Hattwig	DATE  12-12-86
REVIEWING OFFICIAL  SAIC Dixon McClary	DATE  12/12/86

This document contains neither recommendations nor conclusions of the EPA. It is the property of the EPA and is loaned to your agency; it and its contents are not to be distributed outside your agency.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF CRIMINAL INVESTIGATIONS

REPORT OF INTERVIEW

1. TITLE  Pioneer	2. CONTROL NUMBER  86-X-4-4 #27 34W
3. PERSON INTERVIEWED  Dennis J. Brenner	4. REPORTING OFFICE  Seattle 10/27/86
5. LOCATION  Seattle, WA	6. DATE  10/9/86

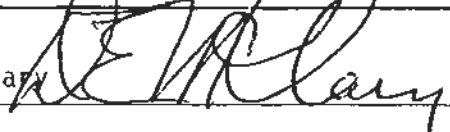
Reference is made to ROI 86-X-4-4 #22 by S/A Commodore Mann reporting the execution of a federal search warrant at the Pioneer Construction Material Company's Lake Union facility on 10/9/86. The search warrant had been issued by U.S. Magistrate Philip K. Sweigert, under Docket No. 86-274M-01, on 10/9/86.

During the execution of the above search warrant, S/A Dixon E. McClary interviewed Dennis J. Brenner, a Pioneer employee. Brenner stated that he had worked at the Lake Union facility for approximately 6 1/2 years. Brenner indicated that the Lake Union facility has been under its current ownership for approximately the past three years. Brenner stated that his job, among other things, was to fill the cement trucks with diesel fuel.

Brenner was asked about the large amount of standing liquid in the truck "yard." Brenner explained that approximately one month ago Pioneer began allowing its cement truck wash water to flow into the yard. Vacuum trucks would periodically remove some of the wash water but the vast majority would remain. Brenner continued that he was concerned about the standing liquid since the diesel fuel storage tank was located in the middle of the yard, underneath the liquid. The fill spout was reportedly submerged. Brenner indicated that he would not be able to replenish the diesel fuel in the tank when it ran out.

S/A McClary asked Brenner what Pioneer had been doing with the wash water in the past. Brenner replied that they had been disposing of it into Lake Union. Brenner continued that the wash water was discharged north of the auger through a wall directly into the lake. Brenner concluded by stating that the discharge point was now covered by a metal plate.

Brenner provided a residential address of [REDACTED]

REPORT MADE BY  SAIC Dixon McClary 	DATE  11/12/86
REVIEWING OFFICIAL	DATE